

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Attila Grauzer, et al. Examiner: Unknown
Serial No. 10/725,833 Group Art Unit: 3711
Filed: December 2, 2003 Docket No.: PA0941.ap.US
Title: DEVICE AND METHOD FOR FORMING AND DELIVERING
HANDS FROM RANDOMLY ARRANGED DECKS OF PLAYING
CARDS

MAIL STOP DD


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following documents are being submitted:

- ☒ Information Disclosure Statement Re: Litigation (3 Pages)
- ☒ Transmittal Sheet
- ☒ Return postcard

Authorization is hereby given to charge Deposit Account Number 50-1391 if any fees are required.

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205, 3209 W. 76th St.
Edina, MN 55435 (952-832-9090)

By: 
Atty: Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop DD, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 1 April 2005.

Mark A. Litman
Name


Signature



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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b) or (c)**

Applicant(s) respectfully submit(s) the statement of information for the attention of the Examiner in the above-identified application.

This statement should be considered because it is either filed before the mailing date of the first Office Action on the merits or it is submitted after the mailing date of the first Office Action on the merits but before the mailing date of a final Office Action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311. No fee is due since this statement is submitted either before the mailing date of the first Office Action on the merits or is certified under 37 C.F.R. §1.97(e)(1) or (2) by the undersigned.

Certification Under 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(c)(1), the undersigned hereby certifies that this statement is submitted wherein each item of information listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counter part foreign application not more than three months prior to the filing of the information disclosure statement.

A copy of each document or other information listed on the enclosed Form 1449 is enclosed in accordance with 37 C.F.R. §1.98(a)(2) and/or a copy of each document is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in a parent application in accordance with 37 C.F.R. §1.98(d).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 and 103. In addition, Applicant(s) do(es) not represent that a reference has

been thoroughly reviewed or that any relevance of any portion of a reference is intended, and reserve the right to establish otherwise under 37 C.F.R. §1.131 or others.

Consideration of the items listed is respectfully requested. According to M.P.E.P. §609,

Applicant(s) request(s) that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

NOTIFICATION OF LITIGATION:

Applicants, in accordance with 37 CFR 1.56, in accordance with the procedures described in M.P.E.P. Section 2001.06(c), "Information From Related Litigation [R-2] – Duty of Disclosure" submit the following statement:

A U.S. Patent (U.S. Patent No. 6,655,684) which is in or related to the priority chain of the present application is presently in litigation. The litigation is:

Shuffle Master, Inc. (Plaintiff) vs. VendingData Corporation (Defendant)
United States District Court for the District of Nevada
Docket No.: CV-S-04-1373-JCM (LRL)
Filed October 5, 2004

STATEMENT:

In this litigation, the only prior art of which the below signing counsel of record is aware that has been cited with respect to issues of novelty, obviousness, or any other art or reference issues (e.g., Obviousness-Type Doublet patenting) are U.S. Patent Nos. 5,275,411 (Breeding et al.) and 6,149,154 (Grauzer) which were already made of record by Applicants in their originally filed 1449 with their IDS statement. There is therefore no printed or disclosed reference materials cited in this Statement.

In the above-identified litigation, there have been no Issues raised regarding Fraud or Inequitable Conduct, so there are no issues or materials from the litigation to report herein.

It is not believed that there are any materials disclosed in the litigation that are material to examination of the patentability of this application. It is believed to be a fair characterization of the litigation that a primary issue asserted by Defendant is non-infringement based upon asserted interpretations of terms in the claims in issue, and that this is not considered to be material to the examination of the present application. Applicants would be willing to submit the pleadings and motions of Defendants if the Patent and Trademark Office feels there is any reason why such materials might be desirably reviewed by the Examiner in this Application.

Submitted on Behalf of the Applicants by

MARK A. LITMAN & ASSOCIATES, P.A.

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Edina, MN 55435 (952-832-9090)

By: 

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